

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED COMMERCE CENTER, INC.

Plaintiff,

v.

**THE TRAVELERS LLOYDS
INSURANCE COMPANY,**

Defendant.

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CIVIL ACTION NO. 3:13-cv-02075-P

JOINT PROPOSAL

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff United Commerce Center, Inc. (“Plaintiff”) and The Travelers Lloyds Insurance Company (“Travelers” or “Defendant”) hereby submit their Joint Proposal pursuant to the Court’s June 5, 2013 Order. In accordance with this Court’s Order, the parties conferred on June 24, 2013. In attendance on behalf of Plaintiff was Bobby M. Rubarts of Koning Rubarts LLP. In attendance on behalf of Defendant was Alissa Puckett of Quilling, Selander, Lownds, Winslett & Moser, P.C.

1. A proposed time limit to file motions for leave to join other parties and to amend the pleadings.

The parties propose December 6, 2013 as the deadline to join parties and file amended pleadings.

2. Proposed time limits to file various types of motions.

The parties propose February 17, 2014 as the deadline to file dispositive motions, that the deadline to file motions to compel be seven days after the close of the discovery period, and that the deadline for motions in limine be twenty-one days before trial.

3. A proposed plan and schedule for discovery, including a time limit to complete discovery.

The parties have agreed to serve initial disclosures by July 12, 2013. The parties anticipate discovery regarding the cause of any alleged damage and any claims relating thereto, inspections performed at the properties, investigation of the insurance claim, expert testimony, and legal fees incurred by Plaintiffs in this lawsuit. Discovery will include exchange of relevant documents, requests for production, interrogatories, and depositions.

Discovery does not need to be conducted in phases and does not need to be limited to or focused upon particular issues other than those relevant to this lawsuit. The parties have agreed to produce materials in hard copy or on compact disc.

The parties anticipate discovery can be completed by April 21, 2014 .

4. A proposal for limitations, if any, to be placed upon discovery.

The parties agree changes to the federal or local rules are not necessary and no other limitations will need to be imposed.

5. A proposed time limit to designate expert witnesses.

The parties propose January 17, 2014 as Plaintiff's deadline to designate expert witnesses and February 17, 2014 as Defendant's deadline to designate expert witnesses.

6. A proposed trial date, estimated number of days required for trial and whether a jury has been demanded.

The parties propose that trial be set in June 2014 and estimate that trial will take two to three days. A jury has been demanded by Plaintiff.

7. A proposed date for commencing settlement negotiations.

The parties propose August 7, 2013 as the date for commencing settlement negotiations.

8. Whether the parties will consent to trial (jury or non-jury) before U.S. Magistrate Judge Paul Stickney (NOTE: Before responding to this question, counsel are

directed to carefully review the provisions of 28 U.S.C.A. 636(c) and, specifically, 636(c)(3).

The parties could not agree to refer this case to the magistrate judge.

9. Whether the parties are considering mediation or arbitration to resolve this litigation and, if not, why not. (NOTE: The Court encourages the early use of mediation or arbitration.).

The parties agree mediation would be appropriate in this case. Mediation is likely to be most effective after documents have been produced and, if settlement negotiations have been unsuccessful, should take place in March 2014. The parties have agreed to use Courtenay Bass to mediate this case.

10. Any other proposals regarding scheduling and discovery and that the parties believe will facilitate expeditious and orderly preparation for trial, including the parties' positions on a consolidated discovery schedule.

The parties have no further proposals regarding scheduling, but would request that this case not be placed on a consolidated schedule due to the complexities involved regarding causation and the amount in controversy.

11. Any other matters relevant to the status and disposition of this case.

At this time, the parties are unaware of any additional matters relevant to the status and disposition of this case.

Respectfully submitted,

/s/ Bobby M. Rubarts

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